

In the United States Court of Federal Claims

No. 13-361 C

(Filed June 10, 2013)

* * * * *
EXCEL MANUFACTURING, LTD., *
*
Plaintiff, *
*
v. *
*
THE UNITED STATES, *
*
Defendant, *
*
TENNIER INDUSTRIES, INC., *
*
Intervenor-Defendant. *
* * * * *

ORDER

The court has before it a motion to dismiss this bid protest filed today by Tennier Industries, Inc. (Tennier). In the court's view, the arguments in Tennier's motion challenging Excel's standing to bring this bid protest are premature. The scheduling order issued by the court on May 30, 2013 set forth an expedited briefing sequence which permits the court's orderly review of *all* arguments from the parties as to the disposition of this case.

Although the scheduling order requires the parties to file cross motions for judgment on the administrative record, both defendant and intervenor-defendant are free to file *combined* motions to dismiss *and* motions for judgment on the administrative record. This is a fairly typical practice in bid protests before the court. Tennier may raise jurisdictional and other challenges to the complaint, as well as arguments regarding the merits of plaintiff's protest, in its brief scheduled to be filed on or before June 18, 2013.

For this reason, and to preserve the expedited briefing schedule established by the court, the Clerk's Office is hereby **ORDERED** to **STRIKE** the Motion to Dismiss of Intervenor Tennier Industries, Inc., filed June 10, 2013. All provisions in the court's scheduling order of May 30, 2013 remained unchanged.

/s/Lynn J. Bush

LYNN J. BUSH

Judge